

CITY OF NEWPORT  
RESOLUTION NO. 3702

RESOLUTION AMENDING CITY OF NEWPORT  
FEES FOR REVIEW OF LAND USE ACTIONS

Findings:

1. The City of Newport has established fees for land use and related actions to cover expenses incidental to the cost of reviewing such requests, including costs to publish notices for hearings, mail notices to affected property owners/agencies, prepare and copy staff reports, and other responsibilities as required by state law and city ordinances.
  2. A Comprehensive Use Fee Study for the City of Newport, by FCS Group, dated September of 2009, considered the direct and indirect costs the city incurs in reviewing land use requests and found that the city was recovering about 15% of its direct costs through land use fees.
  4. The FCS Study provides guidance for establishing a cost recovery policy, including weighing the public benefit versus private benefit when determining the level of full cost of services that should be recovered through fees. Considering this guidance, and the direct and indirect costs detailed in the FCS Study, the City Council determined that it is appropriate to set a target of collecting 50% of the direct cost of administering land use actions through fees.
  5. Given the length of time since the City had last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, the Council elected to phase in fee adjustments over a four (4) year period beginning in January 2010 (Resolution No. 3486). Direct costs were adjusted for inflation during the phase in period using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
  6. As called for in Resolution No. 3662, and consistent with Chapter 14.60 of the Newport Municipal Code (NMC), it is necessary to annually adjust fees now that the phase in period is complete in order to account for inflation. Calendar year 2014 was the first year that this occurred. Making annual CPI-U adjustments ensures that the City will continue to meet its objective of 50% recovery of direct costs.
  7. Fees for temporary signs and uses have not been adjusted to achieve 50% recovery of direct costs because doing so may be overly burdensome given the modest investment typically associated with these activities.
  8. Sections from prior land use fee resolutions addressing charges that are subject to alternative methods of being calculated, either by law or because of the unique nature of the fee, have been incorporated into this resolution.
- Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Land Use Fees. Fees for land use and related actions shall be as reflected in Exhibit A to this resolution.

Section 2. Annual Fee Adjustments. Consistent with NMC Chapter 14.60, the fees established herein shall be reviewed annually and adjusted as needed effective January of each year to account for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).

Section 3. Fees Relating to ORS 227.186 Notifications. The applicant for a land use application requiring notification under ORS 227.186 (Measure 56 notification) shall pay, in addition to the land use application fee, the cost of preparing and mailing the notification. The city shall prepare an estimate of the cost and shall notify the applicant of the estimated cost. The estimated cost shall be paid within five (5) business days after notification of such determination or the application shall be subject to dismissal. In the event that actual costs exceed estimated costs, the applicant shall be billed the difference and payment of the difference is due within 30 days after notice is provided to the applicant. In the event that the amount of such estimated payment exceeds the actual cost of notification, the difference shall be refunded to the applicant.

Section 4. Fees Relating to Appeal Transcripts. For appeals of land use actions, the appellant shall pay the actual cost of preparing a verbatim written transcript up to \$500. If there is more than one appellant, each such appellant shall pay an appeal fee and the cost of preparing a written transcript. All of the appellants shall be jointly and severally liable for the cost and charges of such transcripts, and any or all appeals pending in any matters may be dismissed by the Newport City Council in the event of failure to make payment of the transcript fees. Upon filing an appeal, the city shall determine the estimated cost of such transcript, and the amount of such estimated cost shall be paid to the city within five (5) business days after notification of such determination, or the appeal shall be subject to dismissal. In the event that actual costs of preparing the transcript exceed the amount of the estimate, the appellant(s) shall be billed the difference and payment of the difference is due within 30 days after notice is provided. Failure of appellant(s) to make payment within 30 days will subject the appeal to dismissal. In the event that the amount of such estimated payment exceeds the actual cost of the transcript, the amount so paid shall be refunded, prorated, to those parties actually having paid them. As provided by ORS 227.180, in lieu of a transcript prepared by the city and the fee thereof, parties to an appeal held on the record may prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.

Section 5. Fees Relating to Withdrawal of Annexations. Withdrawals are administered as annexations. In addition to the filing fee, the owner of each parcel of property to be so withdrawn shall, as a condition of such withdrawal action, and prior thereto, pay or make arrangements satisfactory to the city for the payment of any bonded indebtedness or any other charges attributable to such property which may become a debt, obligation, or liability of the City of Newport by reason of such withdrawal. Nothing herein contained

shall be construed to prevent the Newport City Council from initiating and carrying out the withdrawal proceedings on its own motion and the assumption of such obligations pursuant to the applicable state law if the City Council determines that to do so is in the best interest of the city.


Section 6. Inspection Fees for Vacation Rental and Bed & Breakfast Facilities. The application fee for Vacation Rental and Bed & Breakfast Facilities contained in Exhibit A includes an initial inspection of the dwelling unit by the Building Official. The fee for each subsequent Building Official inspection shall be \$76.

Section 7. Repeal of Prior Fees. All previously adopted resolutions or enactments establishing fees for land use actions are hereby repealed to the extent that their provisions conflict with the fees set by this resolution.


Section 8: Effective Date. This resolution shall be effective upon passage.

Adopted by a 7-0 vote of the Newport City Council on January 20, 2015.

Signed by the Mayor on January 21, 2015.

  
Sandra N. Roumagoux, Mayor

ATTEST:

  
Margaret M. Hawker, City Recorder

CITY OF NEWPORT  
LAND USE FEES

Permit Type	Fee Amount
<b>Annexation</b>	<b>\$718</b>
Each additional parcel in separate ownership	\$45
<b>Appeal (First Hearing)</b>	<b>\$250</b>
<b>Appeal (Second Hearing)*</b>	<b>\$299</b>
<b>Comprehensive Plan Amendment:</b>	
Text	\$1,208
Map	\$1,208
<b>Conditional Use Permit:</b>	
Planning Commission	\$768
Staff	\$615
<b>Estuarine Use Permit</b>	<b>\$591</b>
<b>Design Review - Nye Beach</b>	<b>\$618</b>
<b>Encroachment - right-of-way</b>	<b>\$478</b>
<b>Exception to Statewide Goal</b>	<b>\$378</b>
<b>Geologic Permit</b>	<b>\$206</b>
<b>Interpretation</b>	<b>\$424</b>
<b>Land Use Compatibility Signoff</b>	<b>\$55</b>
<b>Minor Replat</b>	<b>\$320</b>
<b>Nonconforming Use Permit</b>	<b>\$768</b>
<b>Partition</b>	<b>\$320</b>
<b>Planned Destination Resort:</b>	
Conceptual Master Plan	\$1,340
per acre charge	\$48
Preliminary Development Plan	\$1,162
charge per each lot	\$48
Final Development Plan	\$1,056
<b>Planned Unit Development:</b>	
Tentative Plan	\$1,162
charge per each unit	\$48
Final Plan	\$1,056
charge per each unit	\$48
<b>Property Line Adjustment</b>	<b>\$307</b>
<b>Shoreland Impact Permit</b>	<b>\$509</b>
<b>Signs:</b>	
one temporary/portable sign**	\$30
each additional portable sign	\$10
other signs (new, replacement, or reconstruction)	\$122
sign demolition	\$10
surcharge for mural sign in excess of wall sign limits***	\$101
<b>Subdivisions:</b>	
Tentative Plan	\$970
charge per each unit	\$48
Final Plat	\$423

**CITY OF NEWPORT  
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<b>Permit Type</b>	<b>Fee Amount</b>
<b>charge per each unit</b>	<b>\$48</b>
<b>Temporary Structures Permit</b>	<b>\$41</b>
<b>Traffic Impact Analysis (w/no other land use)</b>	<b>\$615</b>
<b>Trip Assessment or Vesting Letter</b>	<b>\$54</b>
<b>Trip Reserve Fund</b>	<b>\$768</b>
<b>Urban Growth Boundary Amendment</b>	<b>\$1,451</b>
<b>Vacations (streets and plats)****</b>	<b>\$776</b>
<b>Vacation Rentals &amp; B&amp;B Endorsements (includes initial inspection)</b>	<b>\$128</b>
<b>follow-up inspection fee</b>	<b>\$76</b>
<b>Variances/Adjustments:</b>	
<b>Planning Commission</b>	<b>\$591</b>
<b>Staff</b>	<b>\$509</b>
<b>Zoning Ordinance Amendments:</b>	
<b>Text</b>	<b>\$1,208</b>
<b>Map</b>	<b>\$1,208</b>
<b>Other staff level permits requiring public notice</b>	<b>\$483</b>

\*Plus cost of producing a verbatim transcript of the initial evidentiary hearing (\$500 cap).

\*\*Plus \$25 per month that the temporary signs remain within the right-of-way, not to exceed \$100 per calendar year. Nonprofit organizations are exempt from fees for temporary signs.

\*\*\*Nonprofit organizations are exempt from this surcharge fee.

\*\*\*\*Plus appraisal cost and damages.